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Via ECF

Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *USA v. Fred Mastroianni*
20-Cr-575 (PMH)

Dear Judge Halpern:

Application granted. The sentencing scheduled for April 24, 2024 is hereby adjourned to the Court's next available sentencing date of August 15, 2024 at 2:30 p.m. The Court will advance the sentencing date if an earlier date becomes available so Defendant's sentencing submission is due by May 3, 2024 and the Government's response is due by May 10, 2024.

It is the responsibility of the Government to have the Defendant produced to Courtroom 520 of the White Plains Courthouse at that time.

The Clerk of Court is respectfully directed to terminate the pending letter-motion (Doc. 107).

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
March 26, 2024

I write to you to request an adjournment of Mr. Mastroianni's sentencing for at least thirty days. This is the first time the defense has written to you requesting an adjournment of his sentencing. The need for the adjournment is predicated upon the government's forensic evaluator's report which we believe needs to be addressed by Mr. Mastroianni's own forensic evaluator.

The sentencing schedule which was Ordered by the Court (Rescheduling Order, Document 105) calls for his sentencing on April 24, 2024 at 11:30 a.m. with the defendant's submission due by April 3, 2024 and the government's submission by April 10, 2024.

Mr. Mastroianni is facing a 15 year mandatory minimum sentence based upon his plea to Sexual Exploitation of a Minor 18 U.S.C. § 2251(a)(e) and 2 and a 5 year mandatory minimum for Receiving and Distributing Child Pornography 18 U.S.C. § 2252A(a)(2)(B) and (b)(1). The government and the probation department hired a forensic evaluator who issued a report that differs in important respects with that which has been provided to the

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government by Mr. Mastroianni's forensic expert. I previously wrote to probation outlining what I perceived to be errors in their expert's report, but it became apparent that this had to be re-evaluated by a forensic psychologist on Mr. Mastroianni's behalf. Obtaining funds to hire the expert was difficult; however the funds were secured but were only received this past Friday, March 22, 2024.

I am therefore requesting an adjournment of the sentencing schedule for at least 30 days to be able to address the government's expert report in our submission.

I also bring to the Court's attention that I will be out of the country from May 28, 2024 through June 14, 2024.

I thank you for your consideration to this request and ask that my application be granted.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SRL', followed by a stylized flourish.

Stephen R. Lewis

SRL:dc

cc: AUSA Ryan W. Allison (via ECF)